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PTO/SB/61 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

HP-100202181-1

First Named Inventor: RIPLEY

Art Unit: 2185

Application Number: 10/091,698

Examiner: ROJAS, M.

Filed: 03/05/2002

Title: A VARIABLE WIDTH MEMORY SYSTEM AND METHOD

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 510.00 (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Amendment (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

10/23/2007 EAREGAY1 00000896 10091698

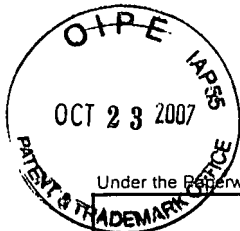
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510.00 CP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.****WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

10/19/2007

Date

James P. Hao

Typed or printed name

36,398

Registration Number, if applicable

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Telephone Number

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Address

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☒ Copy of Return Post Card and Auto Reply Confirmation of Fax**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/19/2007

Date

Signature

Shannon Carmo

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

10/19/2007

Date

James P. Hao

Typed or printed name

36,398

Registration Number, if applicable

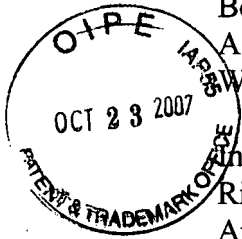
(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Please see additional document listing in detail reasons for the delay. (2 pages)

*(Please attach additional sheets if additional space is needed.)*

United States Patent and Trademark Office  
Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

Continuation re Application of  
Ripley  
Application No. 10/091,698  
Filed: March 5, 2002  
Attorney Docket No. 100202181-1



#### PETITION TO REVIVE UNDER 37 CFR 1.137(a)

This is a petition under 37 CFR 1.137(a) to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the non-final Office Action mailed March 7, 2007. The application became abandoned on October 9, 2007.

This petition is accompanied by: (1) a reply to the non-final Office Action mailed March 7, 2007; (2) the petition fee as set forth in 1.17(l) and (3) a showing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. The required showing under 37 CFR 1.137(a) is described below.

The Applicant provides as a part of the required showing a copy of the postcard that bears a stamp that indicates that the reply to the Office Action mailed March 7, 2007 was timely filed with and received by the USPTO on June 13, 2007. Importantly, the stamped postcard establishes the date of receipt of the timely filed reply, by the USPTO, in accordance with MPEP 303.02(b). As such, Applicant respectfully submits that there was actually no delay in the filing of the reply only a delay in the receipt of the reply by the Examiner.

It should be appreciated that Applicant took measures to avoid additional delay in the receipt of the reply to the outstanding Office Action by the Examiner. In particular,

Applicant faxed a copy of the reply to the Examiner's attention that apparently has not been received by the Examiner even though, again, Applicant received confirmation of the receipt of the reply by the USPTO in the form of a fax receipt confirmation. This auto-reply confirmation of the receipt of the reply is provided herewith as a part of the required showing under 37 CFR 1.137(a). Applicant respectfully submits that the fax receipt confirmation provides evidence of measures taken by Applicant to avoid further delay in the Examiner receiving the already timely filed reply to the outstanding Office Action.

Additionally, it should be appreciated that the reply to the outstanding Office Action that is provided with this petition is the third attempt by Applicant to provide this response to the Examiner. The Applicant respectfully requests that this submission be taken as evidence of a continuing effort by the Applicant to avoid delay in the receipt of the reply by the Examiner. As such Applicant's efforts in this regard have extended from the due date for the reply until the filing of the instant petition.

Applicant respectfully submits that Applicant's actions as established by the above discussed showing constitutes the surest way available to an Applicant to avoid a delay in reply to an Office Action and the abandonment of an application on the basis provided by the Examiner, that is: (1) to timely file the reply with the USPTO, and (2) to provide the USPTO with the missing reply if non-receipt of the reply by the Examiner is brought to Applicant's attention. However, if these efforts fail, then delays in the receipt of the reply by the Examiner are unavoidable by the Applicant as the mechanisms for getting the reply from USPTO document receiving authorities to the Examiner are beyond Applicant's control.

Consequently, Applicant respectfully submits that the delay in filing the required reply from the due date for the reply until the filing of the instant petition was unavoidable. Accordingly, Applicant respectfully requests the granting of the instant petition to revive the above identified application on the grounds that the delay in filing the required reply from the due date for the reply until the filing of this petition was unavoidable.

Respectfully submitted,

MURABITO, HAO & BARNES LLP

Dated: 10/19, 2007

  
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